

REMARKS

Claims 1-18 are pending in this application. Claims 1, 9, and 15 are the independent claims in this case. The Applicants have not made any changes/amendments to the claims. If the Examiner is not persuaded by this response that the prior art of record falls short in addressing each and every element recited in the pending claims, then the Applicants respectfully request entry of this response since it should simplify the issues for Appeal.

Claims 1, 6, and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. 2001/25970 published in the name of Skoyles-Greenberg ("Skoyles-Greenberg"). Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Skoyles-Greenberg in view of U.S. Patent No. 5,765,138 issued in the name of Aycock ("Aycock").

Claims 3 and 4 rejected under 35 U.S.C. §103(a) as being unpatentable over Skoyles-Greenberg in view of U.S. Patent Application Publication No. 2004/0010709 published in the name of Baudoin ("Baudoin"). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Skoyles-Greenberg in view of Baudoin, and further in view of U.S. Patent No. 7,136,792 issued in the name of Balz et al. ("Balz").

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Skoyles-Greenberg in view of Balz. Claims 9-12 and 14-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aycock in view of Skoyles-Greenberg. Claims 13, 17, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Aycock in view of Skoyles-Greenberg, and further in view of Baudoin.

In view of the amendments and remarks presented herein, the undersigned respectfully traverses these rejections as set forth below. The undersigned will address each independent claim separately as the Applicants believe that each independent claim is separately patentable over the prior art of record.

OVERVIEW

The Applicants respectfully submit that the prior art of record does not teach the specific elements recited in each of the three independent claims. The Examiner has not properly addressed each and every element of the pending claims. Instead, the Examiner has directed the Applicants generally to passages in the prior art without explaining how each passage maps or "reads on" the claimed elements.

The Applicants also submit that the Examiner is relying on subject headings of the Manual of Patent Examining Procedure (M.P.E.P.) which are positioned above legal precedent without weighing if the legal precedent is applicable to the claims of the case. For, example, the Examiner directs the Applicants' attention to M.P.E.P §2144.04, Subsection II(A), (8th Ed., Rev. 7 July 2008) page 2100-148, second column, first full paragraph, which has the heading, "Automating Manual Activity."

The Applicants provide a summary of the legal precedent under the heading, which is In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). The Applicants explain why the In re Venner case is not applicable to the current case because the Examiner has not met his burden in identifying prior art containing each of the elements recited in each of the independent claims and because the Applicants have not written their claims in a mean plus function format as set forth under 35 U.S.C. §112, sixth paragraph.

The Passages Relied On By The Examiner in Skoyles-Greenberg Are Deficient:

The Examiner directs the Applicants to several different passages of Skoyles-Greenberg as allegedly teaching specific elements of the Applicants claimed invention. The Applicants have thoroughly reviewed the passages relied upon by the Examiner. After this review, the Applicants do not believe that Skoyles-Greenberg or any of the other prior art references provide the teachings asserted by the Examiner. The Applicants provide a detailed review of the Examiner's assertions below.

On page 3, tenth paragraph of the Examiner's Final Office Action of July 24, 2008, the Examiner asserts that the claim element of, "providing individual requirements of at least one maturity model on a display," is taught by the lengthy passage found on page 2, line 13 through page 3, line 15 of Skoyles-Greenberg. To simplify the analysis of the Examiner's assertions, the Applicants have broken up the lengthy passages referred to by the Examiner into reasonably-sized sections of text.

Page 2, lines 13-31 of Skoyles-Greenberg is as follows:

BRIEF SUMMARY OF THE INVENTION

The present invention is defined by the following claims, and nothing in this section should be taken as a limitation on those claims. By way of introduction, one embodiment of the invention is a method for providing operations maturity model (OMM) assessment that includes planning, performing, and reporting an OMM assessment function for an IT organization.

In one aspect of the preferred embodiment, the providing includes defining capability requirements, assessing current capabilities, identifying and resolving gaps, and developing OM capability blueprints for the OMM assessment function.

In another aspect of the preferred embodiment, the defining step may include defining scope and objectives; executing and evaluating OMM questionnaires; obtaining work products and documentation; and creating and conducting OMM kickoff presentations.

In another aspect of the preferred embodiment, the assessing step may include scheduling and conducting function interviews; analyzing work products and documentation; following up to solidify data; categorizing data by function; rating base practices; rating generic practices; consolidating data; and preparing function profiles.

One of ordinary skill in the art recognizes that the above passage from Skoyles-Greenberg does not provide any teaching of the claim element of “providing individual requirements of at least one maturity model on a display.” While this passage suggests a maturity model, it does not discuss any display device whatsoever.

Page 3, lines 1-15 of the Skoyles-Greenberg reference is as follows:

-3-

In another aspect of the preferred embodiment the identifying and resolving step may include determining continuous improvement initiatives; identifying alternatives; estimating costs of improvements; assessing timing implications; and selecting to continuous improvement initiatives start.

5 In another aspect of the preferred embodiment the developing step may include prioritizing continuous improvement initiatives; developing capability delivery approach; preparing and presenting final results documentation and presentation; and modifying delivery plans as needed.

10 Another aspect of the present invention is a method for providing an estimate for building an OMM assessment function in an information technology organization. This aspect of the present invention allows an IT consultant to give on-site estimations to a client within minutes. The estimator produces a detailed break down of cost and time to complete a project by displaying the costs and time corresponding to each stage of a project along

15 with each task. Another aspect of the present invention is a computer system for allocating time and computing cost for building a OMM assessment function in an information technology system.

One of ordinary skill in the art recognizes that the above passage from Skoyles-Greenberg does not provide any teaching of the claim element of "providing individual requirements of at least one maturity model on a display." The first two paragraphs of the passage above explain some details about steps in a process. But these paragraphs do not explain that these steps are performed by a computer.

The last paragraph discusses an estimate for building an OMM assessment function. The last paragraph explains how the estimator produces a detailed break down of costs and time corresponding to each stage of a project. However, one of ordinary skill in the art recognizes that this discussion of the estimator is not a requirement of the operations maturity model (OMM). Further, the last sentence of this passage states that one aspect of the Skoyles-Greenberg technology is a computer system for allocating time and computing cost for "building a OMM assessment function in an information technology system." It is evident that this

technology for estimating time and costs for "building" an OMM assessment function is not the same as providing the individual requirements of the OMM itself, as recited in Claim 1.

On page 3, tenth paragraph of the Examiner's Final Office Action of July 24, 2008, the Examiner asserts that the claim element of, "receiving generalized work products through a user interface and storing the generalized work products in a first table," is taught by the lengthy passage found on page 9, lines 3-26 of Skoyles-Greenberg:

-9-

To define netcentric properly, it is helpful to have a general understanding of a framework that describes the types of applications required in a netcentric computing system. Application logic is preferably packaged into components and distributed from a server to a client over a network connection between the client and server. The client has standardized interfaces so that an application can execute with a client that can run on multiple operating systems and hardware platforms. Further, the application components of the preferred netcentric computing system enable the netcentric computing systems to be adaptable to a variety of distribution styles, from a "thin client" to a "fat client."

Netcentric frameworks preferably support a style of computing where processes on different machines communicate using messages. In this style of computing, "client" processes delegate business functions or other tasks (such as data manipulation logic) to one or more server processes. Server processes respond to messages from clients. Business logic can reside on both the client and server. Clients are typically personal computers (PC's) or workstations with a graphical user interface running a web browser. Servers are preferentially implemented on UNIX, NT, or mainframe machines. In netcentric computing systems, there is a preferred tendency to move more business logic to the servers, although "fatter" clients result from new technologies such as Java and ActiveX. In a netcentric environment, technology, people, and processes may be distributed across global boundaries and business functions/systems may involve multiple organizations. This will generally add complexity to the required systems.

One of ordinary skill in the art recognizes that Page 9, lines 3-26 of the Skoyles-Greenberg reference above may teach a computer with an interface. However, the passage above does not provide any teaching of “generalized work products” or “storing the generalized work products in a first table.”

To address the claim of element of, “with a computer processor,” the Examiner directs the Applicants attention to page 5, line 23 through page 7, line 24 as well as the page 9, lines 3-26 passage listed above. The Applicants note that the Examiner has parsed several phrases of the claims in order to address them individually or in isolation. The Applicants believe that while parsing phrases in claims may be permitted in some instances, such parsing cannot be made if the phrases lose their meaning or if they are not properly reviewed in context. The Applicants note that the phrase, “with a computer processor,” should be read and interpreted with the phrase, “relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table.”

To simplify the analysis of the Examiner’s assertions, the Applicants have broken up the lengthy passages referred to by the Examiner into reasonably-sized sections of text.

Page 5, lines 23-31 of the Skoyles-Greenberg reference:

	In a company-wide initiative to address these capabilities, Andersen Consulting developed and used the Management of the Distributed Environment (MODE) framework and its gap analysis to capture the best
25	practices of IT management and to determine areas of improvement. MODE is a framework for identifying the tools and procedures required to manage a distributed environment. More recently, Andersen Consulting has taken a
	broader view of the IT industry by incorporating MODE into the IT Framework.
30	While the IT Framework and the gap analysis is intended to capture weaknesses in processes that are observable, it does not provide data with sufficient granularity upon which a comprehensive improvement plan can be

One of ordinary skill in the art recognizes that the Skoyles-Greenberg passage above does not address “a computer processor.”

Page 6, lines 1-31 of the Skoyles-Greenberg reference states:

-6-

built. The Operation Maturity Model (OMM) is intended to add further objectivity and consistency to the gap analysis by increasing the requirements of data capturing and data analysis. This added formalism will make the gap analysis conceptually similar to capability assessment approaches, such as the Software Engineering Institute's (SEI) software CMM, or the International Organization for Standards and the International Electromechanical Commission's SPICE models. The present invention includes a method for providing an OMM assessment function and an estimator useful for determining the times and cost to provide such a function.

Before describing the method for providing OMM assessment, some related terms are first described as follows:

Operation Maturity Model (OMM):

The OMM provides the basis for IT organizations to gauge performance, and will assist in planning and tracking improvements to the IT operations environment. Operations Maturity is the extent that the organization's processes are explicitly defined, managed, measured, controlled, and effective, and the consistency with which it is applied throughout the operations environment. The operations environment dimension is characterized by a set of processes. Each process has a measurable purpose statement, which describes what has to be achieved in order to attain the defined purpose of the process. The operations environment is partitioned into three elements: Process Categories, Functions and Base Practices.

The framework provides a basis for defining an objective improvement strategy in line with an IT organization's needs, priorities, and resource availability. The OMM further provides a method for determining the overall operations maturity of an IT organization based on the quality and institutionalization of its processes. The OMM can thus be used by IT organizations in a variety of contexts. An IT organization can use the model to assess and improve its own processes. An IT organization can also use the model to assess the capability of suppliers in meeting their commitments, and

One of ordinary skill in the art recognizes that while this passage references software, the passage is stating that the Skoyles-Greenberg technology has a "gap analysis" which is similar to existing software methods. However, this passage does not make it clear to one of ordinary skill in the art if the "gap analysis" of the Skoyles-Greenberg technology is actually performed by a computer processor.

Page 7, lines 1-24 of Skoyles-Greenberg states:

-7-

hence better manage the risk associated with outsourcing and sub-contract management. In addition, the model can be used to focus on an entire IT organization, on a single functional area such as service management, or on a more focused area such as a problem management.

Assessment Process:

The assessment process is used to appraise an organization's IT operations environment process capability. The objective of the assessment is to identify the differences and the gaps between the actual implementations of the processes in the assessed IT operations organization with respect to the OMM. Defining a reference model ensures that results of assessments can be reported in a common context and provides the basis on which comparisons can be based.

An IT organization can perform an assessment for a variety of reasons. An assessment can be performed in order to assess the processes in the operations environment with the purpose of improving work and service processes. An IT organization can also perform an assessment to determine and better manage the risks associated with outsourcing. In addition, an assessment can be performed to determine if the IT organization is capable of supporting a new application or technology.

Three phases are defined in the assessment model: planning the assessment, performing the assessment, and reporting the assessment results. All phases of the assessment are performed using a team-based approach. Team members include the OMM sponsor, the assessment team lead, assessment team members, and IT operations personnel.

One of ordinary skill in the art recognizes that the Skoyles-Greenberg passage above does not address the claimed recitation of, “with a computer processor...”

To address, the claimed recitation of, “...relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table,” the Examiner directs the Applicants attention to the lengthy passage of page 10, line 17 through page 11, line 27. To simplify the analysis of the Examiner’s assertions, the Applicants have broken up the lengthy passages referred to by the Examiner into reasonably-sized sections of text.

Page 10, lines 17-31 of Skoyles-Greenberg states:

Task 1521: Defining Scope and Objectives

Task 1521 includes provision of scope and goals for the assessment that are agreeable to both the assessment team lead and the sponsoring organization’s assessment coordinator. Key issues to be resolved include:

20 what functions are to be analyzed by the project team; what OMM capability levels are to be considered in the analysis; what depth of analysis of Continuous Improvement (CI) Initiatives is desired; what limitations are there on CI Initiatives (for example, 10 functions may be included in the scope, but the organization may only want CI recommendations for the 5 considered the

25 most deficient); and what level of ratings is desired (function only vs. overall maturity). Once agreement is reached, the assessment team lead ensures that the IT operations functions selected are sufficient to meet the purpose and will provide output that is representative of the assessment scope.

An assessment plan is developed based on the goals identified by the

30 sponsoring organization. The plan consists of detailed schedules for the assessment and potential risks identified with performing the assessment.

The passage above from Skoyles-Greenberg does not provide any teaching of, “...relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table...”

Page 11, lines 1-27 of Skoyles-Greenberg states:

-11-

Assessment team members, assessment participants, and areas to be assessed are selected. Work products are identified for initial review, and the logistics for the on-site visit are identified and planned. The assessment team members will preferably receive adequate training on the OMM framework and the assessment process to ensure that they will have the ability to interpret the data obtained. The team will preferably have a comprehensive understanding of the assessment process, its underlying principles, the tasks necessary to execute it, and their role in performing the tasks. In addition, the team will preferably fully understand the Rating Framework in order to provide an objective rating of the areas assessed. The "planning stage" then progresses to the tasks of executing and evaluating OMM questionnaires 1523 and obtaining work products and documentation 1525.

Task 1523: Executing and Evaluating OMM Questionnaires

Task 1523 includes distribution and interpretation of maturity questionnaires. The maturity questionnaire is a set of questions about the operations environment that sample the base practices in each Function of the OMM. Maturity questionnaires exist for each Function of the OMM, and tie back to base practices, process attributes, and generic practices. The questionnaires are used to obtain information on the capability of the IT organization, or a specific IT area or project, and are distributed to OMM participants prior to the on-site visit. Completed questionnaires provide the assessment team with an overview of the IT operations process capability of the IT organization. The responses assist the team in focusing their investigations, and provide direction for later activities such as interviews 1541 and document reviews 1542 and 1543. Assessment team members prepare exploratory questions based on OMM Interview Guides and responses to the maturity questionnaires.

The passage above from Skoyles-Greenberg does not provide any teaching of, "...relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table..." One of ordinary skill in the art recognizes that this passage from Skoyles-Greenberg is explaining the work which will be performed by human operators to complete Tasks 1521 & 1523.

Therefore, in view of all of the passages referenced by the Examiner in his Response to the Argument section of the July 24, 2008 Final Office Action, one of ordinary skill in the art recognizes that Skoyles-Greenberg does not provide the teachings asserted by the Examiner. It follows that Skoyles-Greenberg cannot anticipate or obviate elements which include providing individual requirements of the at least one maturity model on a display; receiving generalized work products through a user interface and storing the generalized work products in a first table; with a computer processor, relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table, as recited in independent Claim 1.

Automating Manual Activity - Improper Reliance on Legal Precedent by the Examiner

The Examiner directs the Applicants' attention to M.P.E.P §2144.04, Subsection II(A), (8th Ed., Rev. 7 July 2008) page 2100-148, second column, first full paragraph, which has the heading, "Automating Manual Activity." The Examiner relies on this subject heading and the legal precedent under this heading as a basis for rejecting the claims of the present application. The legal precedent is In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

The In re Venner case is not applicable to the current case because the Examiner has not met his burden in identifying prior art containing each of the elements recited in each of the independent claims and because the Applicants have not written their claims in a mean plus function format as set forth under 35 U.S.C. §112, sixth paragraph.

A detailed review of this case reveals that the claims of the In Re Venner case were written in a means plus function format under 35 U.S.C. §112, sixth paragraph. In Re Venner, p. 92. Also, the Examiner in that case had uncovered timing devices used in conjunction with pressure valves in order to address the claimed combination of a solenoid and a timer. In Re Venner, p. 95. This means the Examiner uncovered all of the claimed elements at issue and identified them in the prior art. The Board also noted that the "inventive" timer did not perform

any computations and that a mental process from a human operator was needed for setting the timer. In Re Venner, p. 95.

Meanwhile, in the current case, the Applicants are not using claims written in a means plus function format. Further, the Examiner has not provided prior art which reads on each of the claim elements that are recited in the independent claims. And unlike the In Re Venner case, the independent claims of this case recite several elements which perform computations that do not involve any mental processes from a human operator. For example, Claim 1 recites providing an indicator of the approximate maturity of the company in view of the at least one maturity model.

Therefore, in view of these significant differences between the current case and the legal precedent relied upon by the Examiner, the Applicants submit that the Examiner's reliance on this legal precedent for rejecting the claims of the current application is improper and should be withdrawn.

Independent Claim 1

It is respectfully submitted that Skoyles-Greenberg, Aycock, Baudoin, and Balz, individually or in view of each other, fail to describe, teach, or suggest the combination of: (1) providing individual requirements of the at least one maturity model on a display; (2) receiving generalized work products (3) through a user interface and (4) storing the generalized work products (5) in a first table; (6) with a computer processor, (7) relating the individual requirements of the at least one maturity model (8) stored in a second table (9) to the generalized work products (10) stored in the first table; (11) receiving company-specific work products (12) through a user interface and (13) storing the company-specific work products in a third table; (14) with a computer processor, (15) associating at least some of the company-specific work products (16) stored in the third table (17) with at least some of the generalized work products (18) stored in the first table; (19) with a computer processor, (20) tracing the company-specific work products (21) stored in the third table (22) to the individual requirements of the at least one maturity model (23) stored in the second table through the association of the at least some company-specific work products (24) stored in the third table with at least some of the generalized work products (25) stored in the first table; and (26) providing an indicator of the

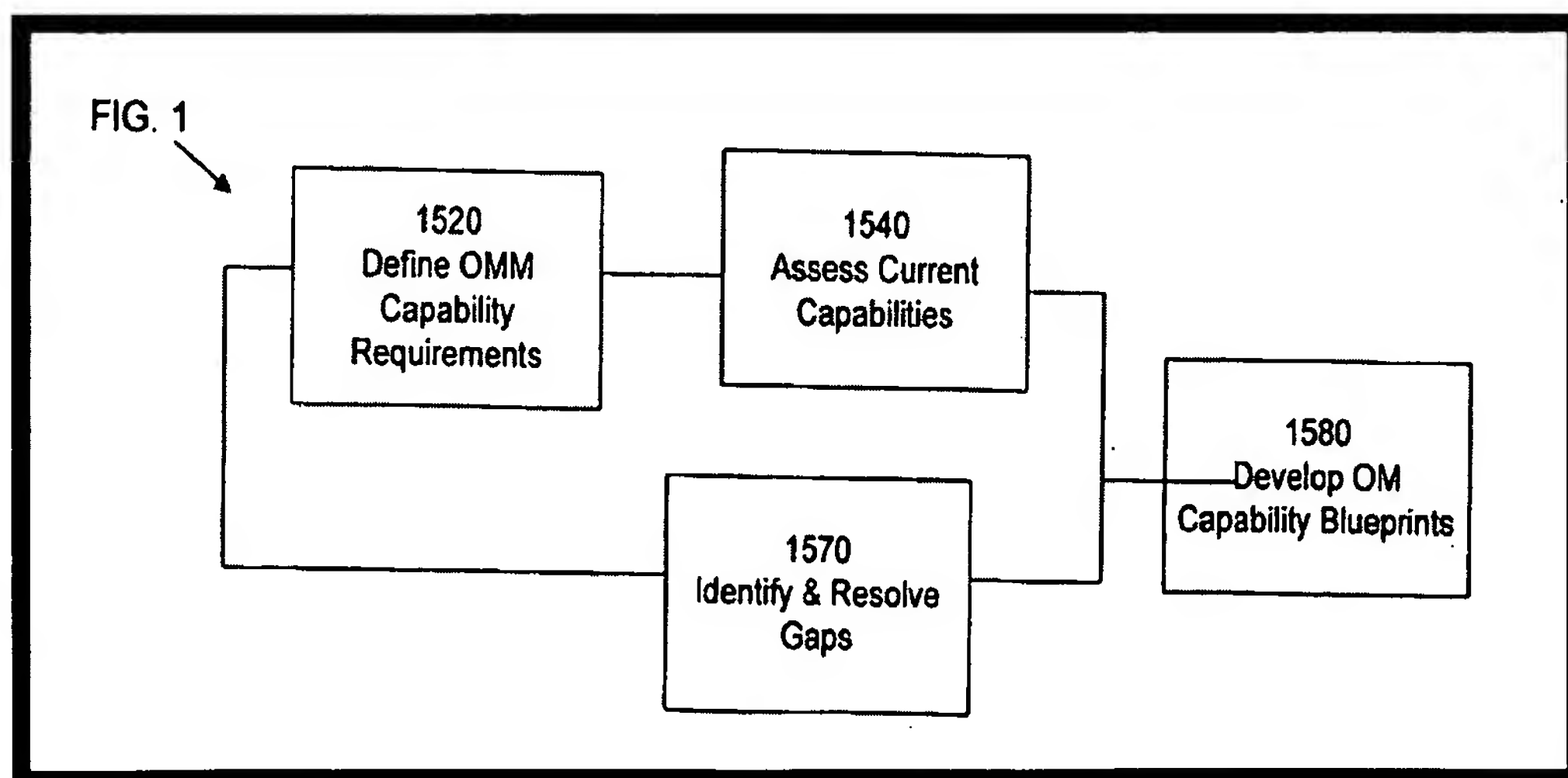
approximate maturity of the company in view of the at least one maturity model, as recited in amended independent Claim 1.

Support for these elements can be found in paragraphs [0029] and [0065-0666] and Figures 6, 7, 12-13, 17, and 18 of the published, original application as filed.

Skoyles-Greenberg

Skoyles-Greenberg explains how four steps illustrated in Figure 1 are combined by human team members to provide an Operation Maturity Model (OMM) assessment. The Skoyles-Greenberg reference explains how it may be helpful to consider the steps illustrated in Figure 1 as being grouped into three stages.

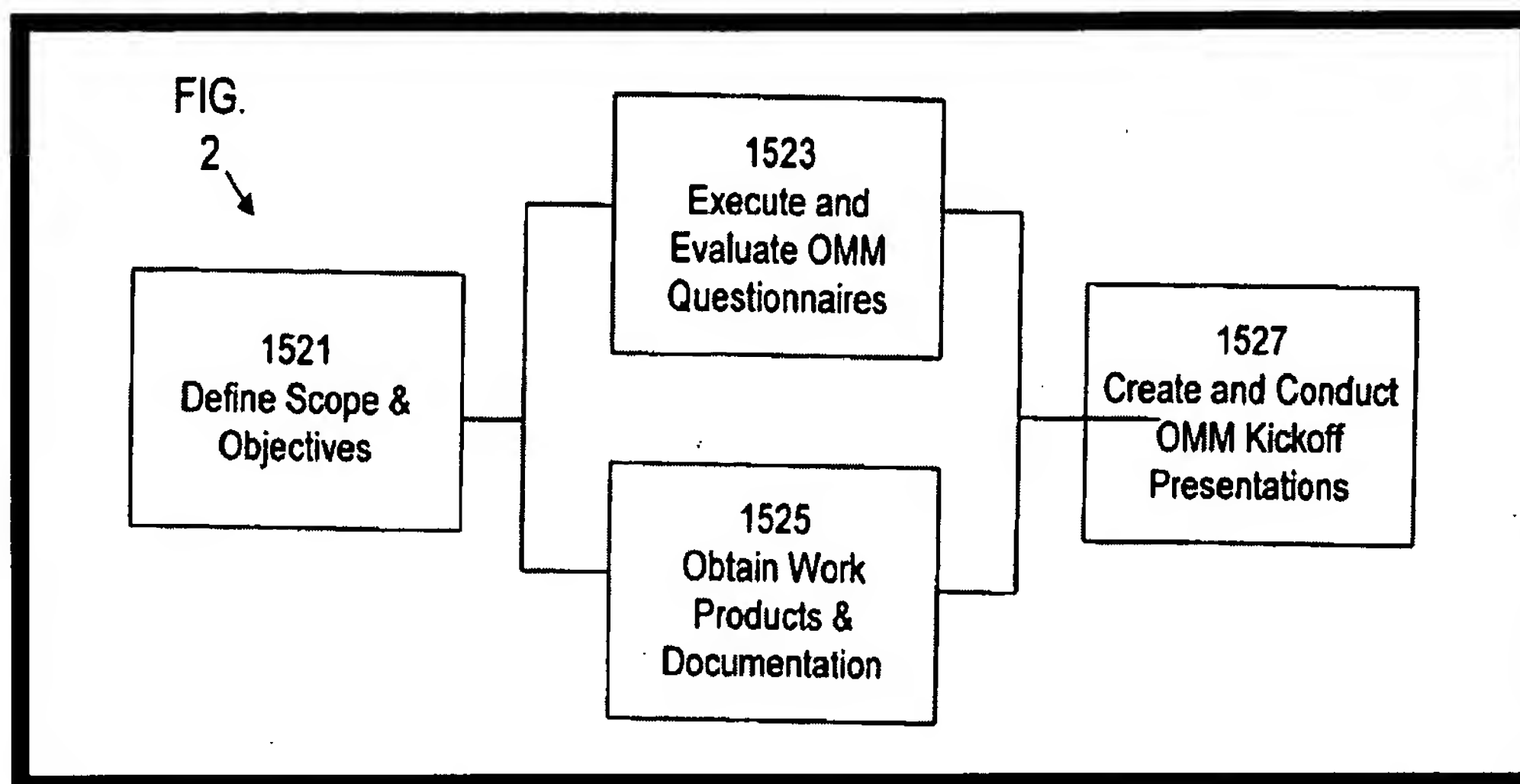
Throughout Skoyles-Greenberg, it is evident that the process being described is completed by humans without any interaction with a computer. For example, See Skoyles-Greenberg, page 13, lines 9-16, which states under Task 1541: Scheduling and Conducting Function Interviews, "...IT operations managers and supervisors are interviewed as a group in order to understand their view of how the work is performed...IT operations personnel are interviewed to collect data within the scope of the assessment..."



The "planning stage" as illustrated in Figure 1 above includes the step of Defining OMM Capability Requirements 1520. The "performing stage" includes the steps of Assessing Current Capabilities 1540 and Identifying and Resolving Gaps 1570. The "reporting stage" includes the

step of Developing OM Capability Blueprints 1580. Skoyles-Greenberg, page 9, line 28 through Page 10, line 4.

Skoyles-Greenberg explains how each step in Figure 1 can have several tasks. For Step 1520, there are at least four tasks as illustrated in Figure 2 below. Skoyles-Greenberg describes the details of each task, which are completed by human team members.



For example, see the description of Task 1525: Obtaining Work Products and Documentation Task 1525 include gathering evidence and documents relating to IT operations. Assessment team members prepare exploratory questions based on responses to the maturity questionnaires and on OMM Interview Guides. Interview Guides are a set of exploratory questions about the operations environment which are used during the interview process to obtain more detailed information on the capability of the IT organization. The interview aids are used by the assessment team to guide them through interview sessions 1541 with assessment participants. OMM participants will also receive a Work Product List. In response to the list of work products, assessment participants prepare documentation for the assessment team members to review. Documentation about the IT operations functions allows the assessment team to tie IT organization data to the OMM. Skoyles-Greenberg, page 11, line 28 through page 12, line 9.

In view of the significant human actions and human team approach described by Skoyles-Greenberg, one of ordinary skill in the art recognizes that such a system and method cannot anticipate or render obvious a computer system or computer-implemented method. Specifically, one of ordinary skill in the art recognizes that Skoyles-Greenberg cannot anticipate or obviate

elements which include providing individual requirements of the at least one maturity model on a display; receiving generalized work products through a user interface and storing the generalized work products in a first table; with a computer processor, relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table, as recited in amended independent Claim 1.

Further, the Examiner admits that Skoyles-Greenberg further fails to teach generalized and company-specific work products as well as an indicator of approximate maturity provided in a report.

Aycock

The Examiner admits that Skoyles-Greenberg further fails to provide any teaching of a maturity of a company being approximated in view of two maturity models, wherein the individual requirements of the at least two maturity models are related to the generalized work products. To make up for this substantial deficiency, the Examiner relies upon Aycock.

Aycock describes a method for evaluating supplier capabilities to qualify a supplier as a vendor. A tier 1 analysis in step 10 of the method begins with establishing a master set of supplier quality process maturity requirements in step 12. These maturity requirements may be established from a known set of quality process standards, such as: ISO 9001 "Quality Systems--Model for Quality Assurance and Design, Production, Installation and Servicing"; ISO 9000-1 "Quality Management and Quality Assurance Standards: Part III-Guidelines for the Application of ISO 9001 to the Development, Supply and Maintenance of Software"; IEEE Std. 1074 "Standard for Developing Life Cycle Processes"; DOD-STD-2167A, "Defense System Software Development"; DOD-STD-2168, "Defense System Software Quality Program"; Bellcore documents TR-NWT-0001252, "Quality System Generic Requirements for Hardware", Issue 1, December 1992 and TR-NWT-000179, "Quality System Generic Requirements for Software", Issue 2, June 1993. Aycock, column 5, lines 19-36.

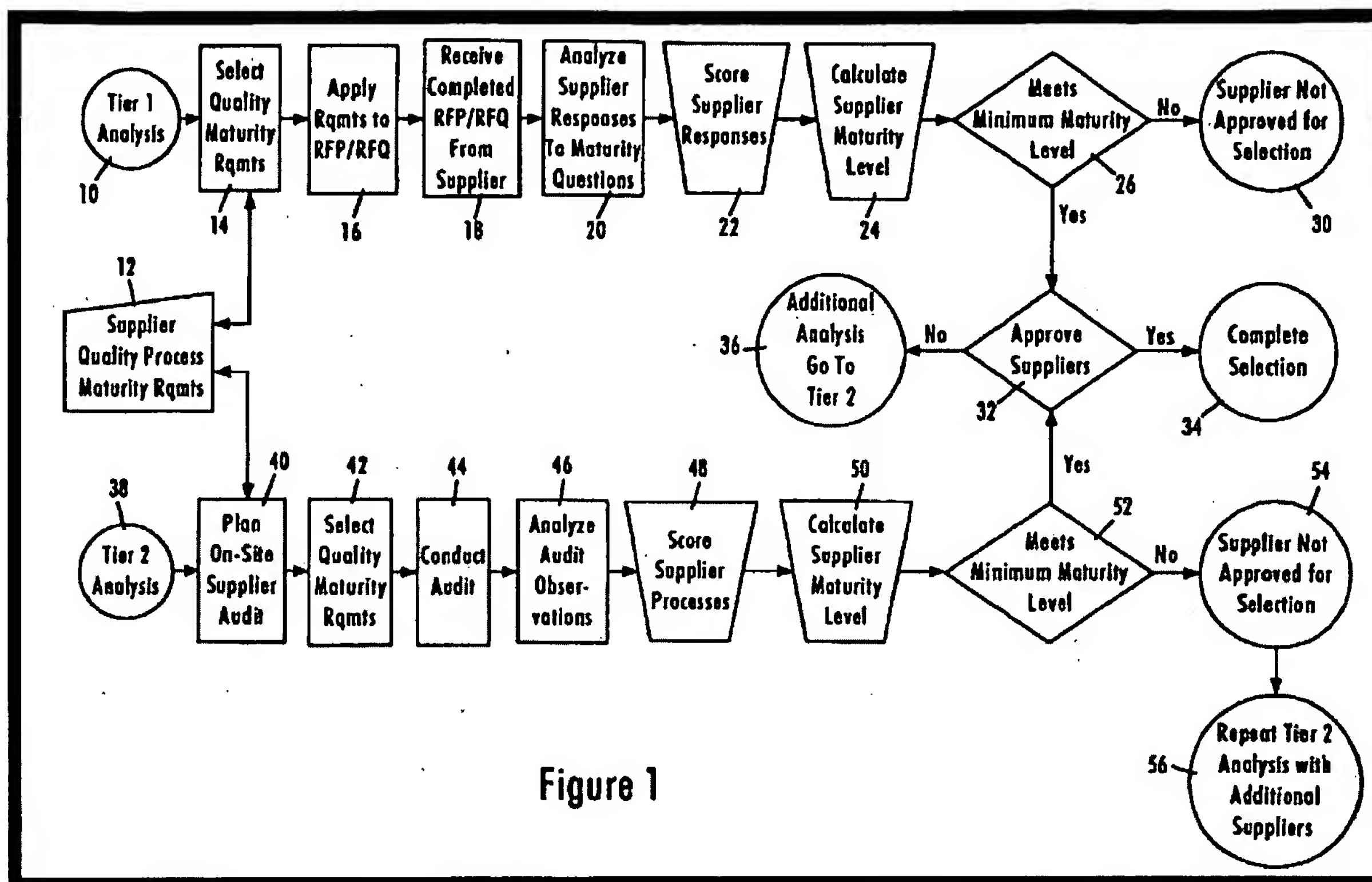


Figure 1

The tier 1 analysis continues to step 14 in Figure 1, whereby quality maturity requirements are selected from the set of requirements established in step 12 in accordance with project requirements. The system in step 14 selects only those quality maturity requirements from the set of maturity requirements established in step 12 that are necessary for the objectives of the specific project. Aycock, column 5, lines 45-65.

After the necessary quality maturity requirements have been selected in step 14, the process continues at step 16 to apply the requirements to the request for proposal/request for quotation (RFP/RFQ), which includes requirements for technical specifications, price and availability, service and support and the selected quality maturity requirements from step 14. The completed RFP/RFQ in step 16 is disseminated to suppliers that desire to be qualified as vendors for the identified project. The completed RFP/RFQ is received from the supplier in step 18, and includes the supplier responses to the RFP/RFQ requirements in step 16. Aycock, column 6, lines 1-10.

The supplier responses may be in written form, or may be electronically stored on a tangible medium, such as a floppy diskette, a non-volatile memory card, or other type of device. After the completed RFP/RFQ including the supplier responses is received from the supplier in

step 18, the supplier responses to the maturity questions are analyzed in step 20. As discussed above with respect to step 14, certain maturity requirements have different levels of relevance to the project objectives. Aycock, column 6, lines 11-18.

Thus, each of the maturity questions are assigned a weight value corresponding to the relevance of the maturity questions to the project objective. A maturity question may be assigned a weight factor of 1-5, whereby a maturity question having a weighted value of 1 would refer to a maturity requirement having a modest degree of relevance to the project objective, whereas the weighting value of 5 refers to a maturity requirement having a critical relevance to the project objective. Aycock, column 6, lines 19-27.

The maturity questions applied to the RFP/RFQ in step 16 are written in an objective format, such as "yes" or "no" type questions, or asking the supplier to select a response "A-E" that best represents the suppliers capabilities. The supplier responses are then scored based upon an objective evaluation of the responses. For example, for "yes" or "no" type of responses, a supplier response may receive a predetermined point value. Thus, if a supplier answers "no", or does not provide a response, the supplier would receive a score of "0" for that particular maturity question. If, however, the supplier responds with a "yes", then the supplier would be awarded a score of "1" for the score for that question. Aycock, column 6, lines 53-68.

After scoring the supplier responses in step 22, a supplier maturity level is calculated in step 24. The supplier maturity level may be calculated in a variety of ways. For example, the supplier maturity level may be calculated by correlating the score of each supplier response with the weighting value of the corresponding maturity question. In such a case, a supplier maturity level value is calculated as a weighted summation of the supplier responses. In addition, the supplier maturity level may be calculated on the basis of the mean value of the supplier responses and/or the standard deviation of the supplier responses. Aycock, column 7, lines 13-23.

Upon calculating the supplier maturity level in step 24, it is then determined in step 26 whether the supplier meets the minimum maturity level. Preferably, the minimum maturity level is set at either a level 2 maturity level for a repeatable process, or a level 3 maturity level for a standardized process. If the supplier does not meet the minimum maturity level in step 26, the supplier is automatically rejected in step 30. Aycock, column 7, lines 38-45.

However, if it is determined in step 26 that the supplier meets the minimum maturity level, then an interim decision is made in step 32 whether to automatically approve the supplier. Aycock, column 7, lines 46-49.

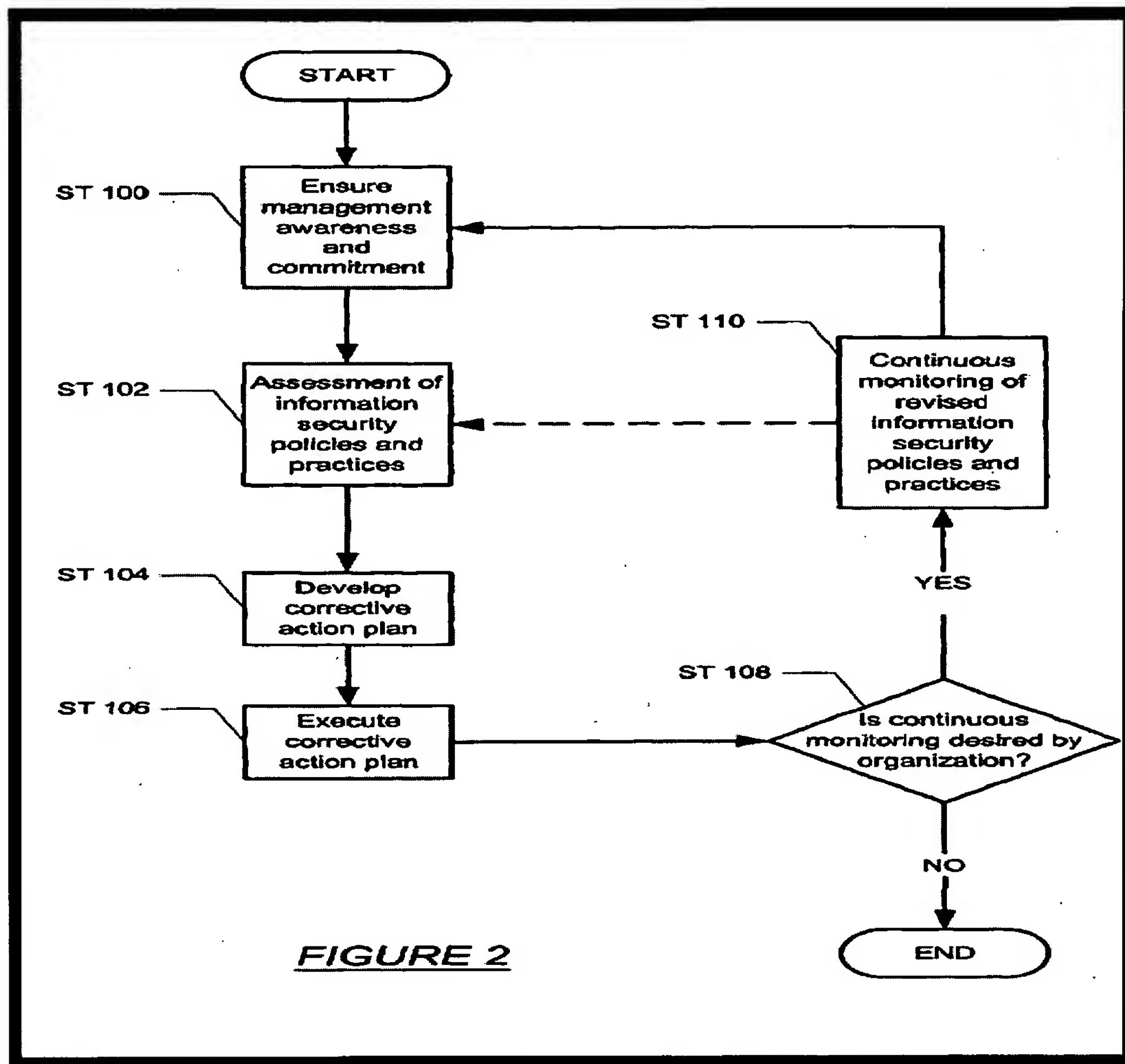
In view of the process described by Aycock, it is clear to one of ordinary skill in the art that Aycock does not provide any teaching providing individual requirements of the at least one maturity model on a display; receiving generalized work products through a user interface and storing the generalized work products in a first table; and with a computer processor, relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table, as recited in amended independent Claim 1.

Instead, Aycock assesses only company-specific work products through a user interface and not any generalized work products. Based on this assessment of only company-specific work products, Aycock determines the maturity level of the company in order to determine whether to use the company as a supplier.

Baudoin

The Examiner admits that Skoyles-Greenberg fails to provide any teaching of at least one maturity model which includes multiple levels of maturity. To make up for this deficiency, the Examiner relies upon the Baudoin reference.

The Baudoin reference describes a security maturity assessment (SMA). The SMA method is initiated by ensuring that an organization's management is aware and committed to improving the organization's information security practices and policies (Step 100). An assessment entity (e.g., individual/company conducting assessment) then assesses the organization's information security practices and policies (Step 102). Using the information gained in Step 102, the assessment entity develops a corrective action plan (Step 104).



The corrective action plan is subsequently executed (Step 106). If the organization desires continuous monitoring after the execution of the corrective action plan (Step 108), then the assessment entity may continuously monitor revised information security policies and practices of the organization (Step 110). Following the continuous monitoring, the method may return to Step 100 to ensure that the organization's management is still aware and committed, or potentially proceed directly to Step 102 if the organization's management continues to be aware and committed. If the organization desires not to have continuous monitoring after the execution of the corrective action plan (Step 108), then the method ends. Baudoin, page 2, paragraph [0018].

Baudoin explains that the assessment entity initiates the SMA by collecting documents detailing the organization's existing information security policies and practices. After review of the collected documents, additional information is typically obtained via interviews with

participants identified at the beginning of this stage. Using the information obtained from the collected documents and the interviews, a preliminary rating is generated. The preliminary rating details the maturity of individual sections and the overall maturity level of the organization's information security practices and policies. Baudoin, page 2, paragraph [0021].

Baudoin further explains that the preliminary rating is generated using a security assessment matrix (SAM). The SAM defines each level of maturity for each information security item. The SAM includes 61 rows corresponding to the groups of the BS7799/ISO17799 standard information security items, and 5 columns defining the maturity level. The five maturity levels, arranged from least mature to most mature, are Initial (Level 1), Repeatable (Level 2), Defined (Level 3), Managed (Level 4), and Optimizing (Level 5). For each intersection of row and column, there is a paragraph that defines a specific "capability maturity" level. The paragraphs contained in a given row of the SAM represent successive capability maturity levels for the same information security item. Further, some rows of the SAM represent successive capability maturity levels associated with a single information security item, as described in one paragraph of the BS7799/ISO17799 standard. Other rows of the SAM may represent successive capability maturity levels of information security items that the BS7799/ISO17799 standard describes in separate paragraphs or sections. Baudoin, pages 2-3, paragraph [0022].

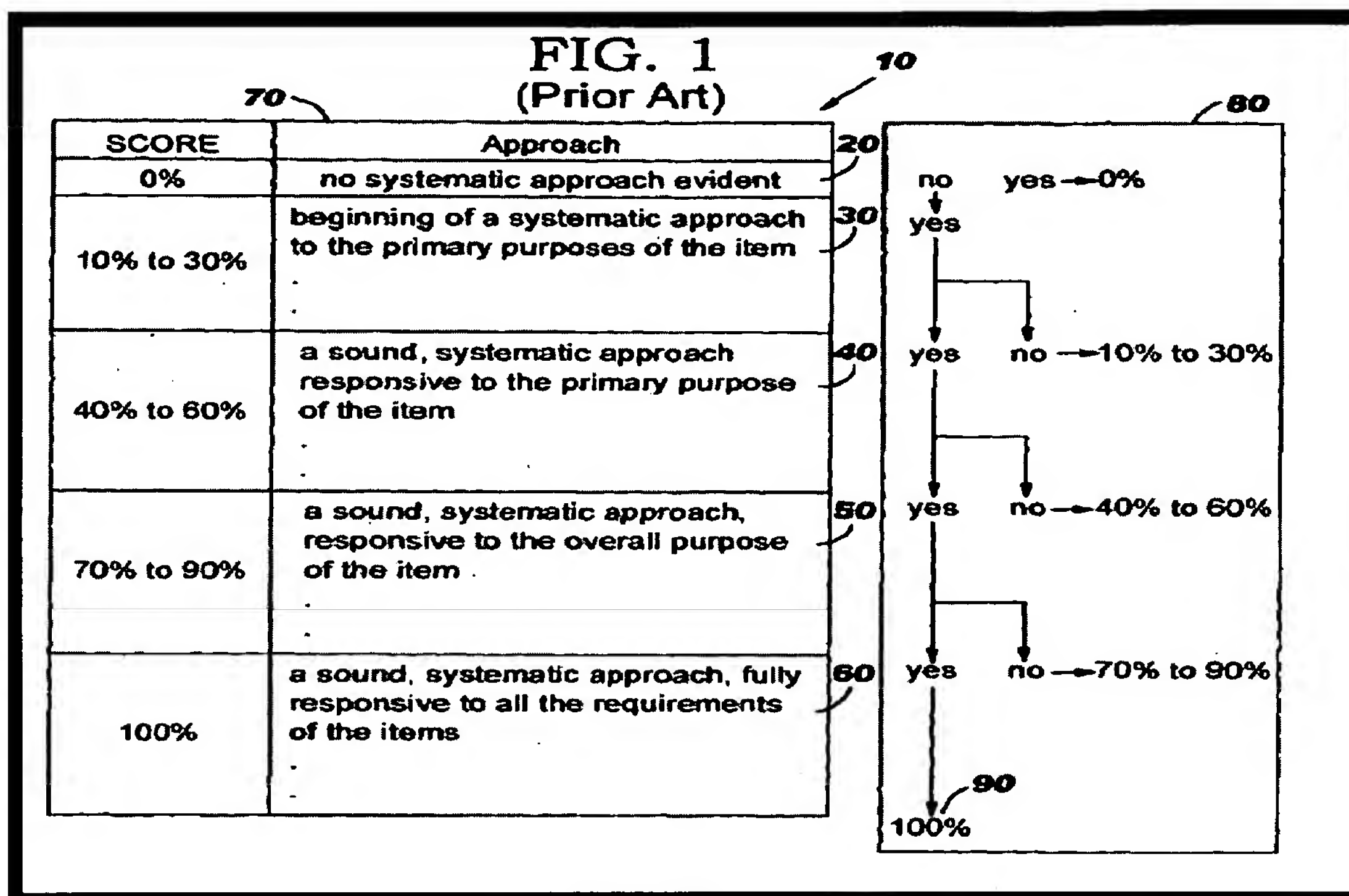
Like Skoyles-Greenberg and Aycock, Baudoin does not provide any teaching of providing individual requirements of the at least one maturity model on a display; receiving generalized work products through a user interface and storing the generalized work products in a first table; and with a computer processor, relating the individual requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table, as recited in amended independent Claim 1.

Balz

The Examiner admits that the combination of Skoyles-Greenberg and Baudoin fails to provide any teaching of an approximate maturity indicator as a percentage. To address this deficiency, the Examiner relies upon Balz.

Balz illustrates a process vitality index (PVI) assessment scheme according to the prior art. A table 10, depicted in the left-hand side in FIG. 1, provides five categories 20 60 designated as "approaches" in the right-hand column. Each of the categories 20 60 is assigned a

score 70 which is 0% for the first category 20 "no systematic approach evident" and 100% for the last category 60 "a sound systematic approach". The remaining three categories 30 50 in between the first 20 and the last category 60 are assigned percent ranges such as 10% to 30%.



A decision tree 80 depicted in the right-hand of FIG. 1 illustrates how the above mentioned five categories 20 60 are evaluated to obtain a final score 90. If all categories 20 60 are answered with "YES" then the final score 90 is 100%. If one or more category of these categories 20 60 is (are) answered with "NO" then the final score 90 will lie between 0% and 100%. Balz, column 4, lines 1-19.

While the Examiner relies on Balz to provide a teaching of maturity indicator as a percentage, Balz states that this table with percentages is prior art and that his technology illustrated in the remaining figures does not follow this table which uses percentages. Therefore, one of ordinary skill in the art would be encouraged by Balz to NOT use percentages.

Furthermore, like Skoyles-Greenberg, Aycock, and Baudoin, Balz also does not provide any teaching of providing individual requirements of the at least one maturity model on a display; receiving generalized work products through a user interface and storing the generalized work products in a first table; and with a computer processor, relating the individual

requirements of the at least one maturity model stored in a second table to the generalized work products stored in the first table, as recited in amended independent Claim 1.

Summary for Claim 1

Since the cited references in this Office Action fail to teach each and every element claimed in this application, especially those in independent Claim 1, the undersigned representative believes independent Claim 1 and all claims depending therefrom to be allowable over the cited art. Accordingly, the undersigned representative requests consideration and an indication that Claim 1 is allowable over the prior art of record.

Independent Claim 9

It is respectfully submitted that Skoyles-Greenberg, Aycock, Baudoin, and Balz, individually or in view of each other, fail to describe, teach, or suggest the combination of: (1) receiving data indicative of organization-specific work products into the maturity tracing system (2) through the user interface and (3) storing the organization-specific work products (4) in a first table; (5) with a computer processor, (6) associating at least some of the organization-specific work products (7) stored in the first table (8) with at least some pre-existing generalized work products (9) received with the maturity tracing system (10) through the user interface and (11) stored in a second table; (12) receiving a request (13) through the user interface (14) for tracing of the organization-specific work products (15) stored in the first table (16) to maturity requirements for the at least one maturity model (17) stored in a third table, (18) wherein the maturity tracing system includes at least one computer application (19) for relating the pre-existing generalized work products (20) stored in the second table (21) to the maturity requirements for the at least one maturity model (22) stored in the third table; (23) receiving a request for a report indicating the approximate maturity level of the organization in view of at least one maturity model (24) through the user interface; and (25) displaying the report on a display, as recited in amended independent Claim 9.

Similar to Claim 1, Claim 9 lists receiving data indicative of organization-specific work products into the maturity tracing system through the user interface and storing the organization-specific work products in a first table; with a computer processor, and associating at least some of the organization-specific work products stored in the first table with at least some pre-existing

generalized work products received with the maturity tracing system through the user interface and stored in a second table.

Since the cited references in this Office Action fail to teach each and every element claimed in this application, especially those in amended independent Claim 9, the undersigned representative believes independent Claim 9 and all claims depending therefrom to be allowable over the cited art. Accordingly, the undersigned representative requests consideration and an indication that amended independent Claim 9 is allowable over the prior art of record.

Independent Claim 15

It is respectfully submitted that Skoyles-Greenberg, Aycock, Baudoin, and Balz, individually or in view of each other, fail to describe, teach, or suggest the combination of: (1) computer means for storing data representative of generalized work products (2) in a first table, (3) data representative of individual requirements for the at least one maturity model (4) in a second table, and (5) data representative of the company-specific work products (6) in a third table; (7) at least one relationship database for relating the data representative of generalized work products (8) stored in the first table (9) to the data representative of individual requirements for the at least one maturity model (10) stored in the second table; (11) a computer application for prompting (12) in a user interface the association of the data representative of the company-specific work products (13) stored in the third table (14) to the data representative of generalized work products (15) stored in the first table; (16) a computer application for tracing the data representative of the company-specific work products (17) stored in the third table (18) to the data representative of individual requirements for the at least one maturity model (19) stored in the second table; and (20) a computer application for providing and (21) displaying an indicator of the approximate maturity of the company in view of the at least one maturity model, as recited in amended independent Claim 15.

Similar to Claim 1, Claim 15 has data representative of generalized work products in a first table, data representative of individual requirements for the at least one maturity model in a second table, and data representative of the company-specific work products in a third table; and at least one relationship database for relating the data representative of generalized work products stored in the first table to the data representative of individual requirements for the at least one maturity model stored in the second table.

Since the cited references in this Office Action fail to teach each and every element claimed in this application, especially those in amended independent Claim 15, the undersigned representative believes independent Claim 15 and all claims depending therefrom to be allowable over the cited art. Accordingly, the undersigned representative requests consideration and an indication that amended independent Claim 15 is allowable over the prior art of record.

Dependent Claims 2-8, 10-14, and 16-18

Since Claims 2-8, 10-14, and 16-18 are dependent on independent Claims 1, 9, and 15 and since these three independent claims are believed to be allowable over the prior art of record, the Applicants believe that these dependent claims are also allowable over the prior art of record. Therefore, the undersigned representative requests consideration and an indication that these dependent claims are allowable over the prior art of record.

CONCLUSION

The undersigned believes that claims in this application are allowable over the cited prior art and respectfully requests a notice of allowance to this effect. Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 50-4402.

Respectfully submitted,

Date: October 1, 2008

By: /Dawn-Marie Bey - #44,442/
Dawn-Marie Bey
Registration No. 44,442
(202) 626-8978

King & Spalding, LLP
1700 Pennsylvania Avenue
Suite 200
Washington DC, 20006